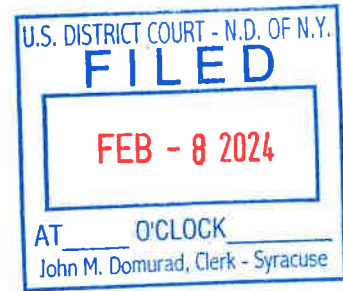


**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,



5:20-cv-1628 (BKS/ML)

Plaintiff,

v.

MCLANE/EASTERN, INC., *doing business as*
McLane Northeast,

Defendant.

Hon. Brenda K. Sannes, Chief United States District Judge:

VERDICT SHEET

Question 1

Americans with Disabilities Act – Qualified Individual

Has Plaintiff EEOC proven by a preponderance of the evidence that Shelley Valentino is a qualified individual:

a) for Selector II: Yes ✓ No
b) for Selector IV: Yes ✓ No

Proceed to **Question 2.**

Question 2

Americans with Disabilities Act – Failure to Interview

Has Plaintiff EEOC proven by a preponderance of the evidence that Defendant McLane Northeast discriminated against Shelley Valentino by failing to give her an opportunity to interview because of her disability?

Yes ✓ No

Proceed to **Question 3.**

Question 3

Americans with Disabilities Act – Failure to Hire

Has Plaintiff EEOC proven by a preponderance of the evidence that Defendant McLane Northeast discriminated against Shelley Valentino by failing to hire her because of her disability?

Yes ✓ No

If you answered YES to **Question 2** OR **3**, proceed to **Question 4**. If you answered NO to **Questions 2** AND **3**, your deliberations are complete. The Foreperson should sign and date the last page and inform the Court Security Officer that a unanimous verdict has been reached.

Question 4

Damages

Has Plaintiff EEOC proven by a preponderance of the evidence that Shelley Valentino suffered damages as a direct result of disability discrimination?

Yes ✓ No

If you answered YES to Question 4, proceed to Question 5. If you answered NO to Question 4, your deliberations are complete. The Foreperson should sign and date the last page and inform the Court Security Officer that a unanimous verdict has been reached.

Question 5

Compensatory Damages

What amount, if any, do you award to compensate Ms. Valentino for lost wages and benefits?

\$ 25,000

Proceed to Question 6.

Question 6

Nonpecuniary Damages

What amount, if any, do you award to compensate Ms. Valentino as nonpecuniary damages for emotional pain, suffering, inconvenience, loss of enjoyment of life, mental anguish, and other nonpecuniary losses?

\$ 150,000

If your answers to Questions 5 AND 6 are both \$0.00, proceed to Question 7. If you have determined a monetary amount for questions Question 5 OR 6, proceed to Question 8.

Question 7

Nominal Damages

Do you find that Plaintiff EEOC is entitled to nominal (\$1.00) damages in connection with its ADA claim(s) against Defendant McLane Northeast? (*Please Note: If you find that Ms. Valentino's rights were violated but that Plaintiff EEOC has failed to prove by a preponderance of the evidence any resulting physical, emotional or financial damage, then you must return an award of damages in the sum of \$1.00, evidencing that liability has been proved.*)

Yes _____ No _____

Proceed to Question 8.

Question 8

Punitive Damages

Do you find that Plaintiff EEOC is entitled to an award of punitive damages in connection with its ADA claim(s) against Defendant McLane Northeast?

Yes ✓ No _____

If you answered YES to Question 8, proceed to Question 9. If you answered NO to Question 8, your deliberations are complete. The Foreperson should sign and date the last page and inform the Court Security Officer that a unanimous verdict has been reached.

Question 9

Punitive Damages

What amount do you award as punitive damages against Defendant McLane Northeast?

\$ 1,500,000

Proceed to the next page.

The Foreperson should sign and date this Verdict Form and inform the Court Security Officer that a unanimous verdict has been reached.

Foreperson: _____



Date: 2/8/2024

**Name Redacted